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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,216	05/31/2001	Marcel F.C. Schemmann	11890/2	6854
26646	7590	03/24/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			PHAN, HANH	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 03/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,216

Applicant(s)

SCHEMMANN ET AL.

Examiner

Hanh Phan

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-50 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

1. Claims 1-51 now are re-numbered to 1-50 according the rule 1.126.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11, 13, 21 and 22, drawn to a method of optical communication, classified in class 398, subclass 184.
 - II. Claim 12, drawn to a method of reducing the transmitted power of a quadrature modulated optical data signal, classified in class 398, subclass 197.
 - III. Claims 14 and 15, drawn to a method of improving a signal-to-noise ratio of a received optical data signal, classified in class 398, subclass 26.
 - IV. Claims 16, 17, 43 and 50, drawn to a method of compensating a quadrature modulated optical data signal for effects of chromatic dispersion occurring during transmission over optical fiber, classified in class 398, subclass 147.
 - V. Claims 18-20, drawn to a method of compensating for effects of polarization mode dispersion on an optical data signal, classified in class 398, subclass 152.
 - VI. Claim 23, drawn to a method of boosting an amplitude of a side carrier relative to data bands in an optical data signal by harnessing Stimulated Brillouin Scattering, classified in class 398, subclass 183.
 - VII. Claims 24-29, drawn to an optical data signal transmitter, classified in class 398, subclass 188.

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- VIII. Claims 30 and 31, drawn to a method for transmitting a side carrier, classified in class 398, subclass 141.
- IX. Claims 32-42, drawn to a receiver for receiving and processing an optical data signal, classified in class 398, subclass 202.
- X. Claims 44-46, drawn to a method of multichannel optical communication, classified in class 398, subclass 91.
- XI. Claims 47-49, drawn to a method of improving signal-to-noise ratio in a received multichannel optical data signal, classified in class 398, subclass 208.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV-X and XI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions . Invention I talks about a method of optical communication. Invention II talks about a method of reducing the transmitted power of a quadrature modulated optical data signal. Invention III talks about a method of improving a signal-to-noise ratio of a received optical data signal. Similarly for the other inventions.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (703)306-5840.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703)305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



Hanh Phan

Patent Examiner

03/19/2004